

1 BRYAN K. SCOTT
2 City Attorney
3 Nevada Bar No. 4381
4 By: JEFFREY L. GALLIHER
5 Deputy City Attorney
6 Nevada Bar No. 8078
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629
(702) 386-1749 (fax)
Email: jgallilher@lasvegasnevada.gov
Attorneys for City of Las Vegas

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10 LATONIA W. LISTER,

Plaintiff,

12 | VS.

13 CITY OF LAS VEGAS; DOES I-X,
14 inclusive, and ROE ENTITIES I-X,
inclusive,

Defendant.

CASE NO. 2:21-cv-0589-JAD-VCF

**STIPULATION AND REQUEST TO
EXTEND DISCOVERY DEADLINES**

(Second Request)

Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the close of discovery and all associated dates pursuant to Fed R. Civil P. 26(a)(2) ninety (90) days, up to and including July 25, 2022. In support of this Stipulation and Request, the parties state as follows:

1. On April 12, 2021, this action was commenced by the filing of a Complaint in the
United States District Court, District of Nevada.

2. On July 28, 2021, Defendant City of Las Vegas filed its Answer to Plaintiff's
Complaint.

3. On August 5, 2021, the City of Las Vegas made its initial disclosures in accordance with F.R.C.P. 26(a)(1).

26 4. On September 8, 2021, Plaintiff made her initial disclosures in accordance with
27 F.R.C.P. 26(a)(1).

5. On September 15, 2021, the Stipulated Discovery Plan and Scheduling Order was

filed.

6. On August 26, 2021, the City of Las Vegas served Plaintiff interrogatories and requests for production. For medical reasons, Plaintiff was unable to timely respond and ultimately served her responses on November 19, 2021.

7. On September 15, 2021, Plaintiff served the City of Las Vegas interrogatories and requests for production. The City of Las Vegas served its responses on November 15, 2021.

8. An order granting the Stipulation and Request to Extend Discovery Deadlines (First Request) was entered into this matter on December 14, 2021.

REASONS WHY DISCOVERY WAS NOT COMPLETED

Plaintiff recently underwent surgery and had a protracted and longer-than-anticipated recovery. Discovery was at a standstill as she recovered. In the time since the first order continuing the close of discovery was filed in this matter, Plaintiff's medical condition has **not** improved sufficiently for her to participate in the discovery process and discovery continues to remain at a standstill. Plaintiff will not recover sufficiently to participate in the discovery process until after March 1, 2022. Accordingly, the City of Las Vegas is currently unable to schedule Plaintiff's deposition and F.R.C.P. 35 examination prior to the current close of discovery and expert disclosure dates.

DISCOVERY REMAINING

Plaintiff Latonia W. Lister needs to conduct depositions of numerous former and current City of Las Vegas employees.

The City of Las Vegas needs to conduct the depositions of Plaintiff, various percipient witnesses, and Plaintiff's yet to be named expert witness. Because Plaintiff is not medically capable of being deposed and having an F.R.C.P. 35 examination, the City has not yet been able to schedule them. The City will conduct the examination and deposition when Plaintiff is medically able to attend them.

111

111

111

~~PROPOSED NEW DISCOVERY DATES~~

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	April 25, 2022	July 25, 2022
Extension of Discovery Deadline	April 25, 2022	July 25, 2022
Expert Disclosure pursuant to Fed R. Civil P. 26(a)(2)	February 25, 2022	May 26, 2022
Rebuttal Expert Disclosure pursuant to Fed R. Civil P. 26(a)(2)	March 28, 2022	June 27, 2022
Dispositive Motions	May 24, 2022	August 24, 2022
Joint Pretrial Order	June 24, 2022	July 25, 2022

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the additional extension.

///

///

///

///

///

///

///

///

///

///

///

///

1 WHEREFORE, the parties respectfully request that this Court extend the discovery dates
2 as set forth above.

3 Dated this 31st day of January 2022.

4 BRYAN K. SCOTT, ESQ.
5 City Attorney

6 */s/ Jeffrey L. Galliher*

7 Jeffrey L. Galliher, Esq.
8 Deputy City Attorney
9 Nevada Bar No. 4381
10 495 S. Main Street, Sixth Floor
11 Las Vegas, NV 89101
12 *Attorneys for Defendant*
13 *City of Las Vegas*

14 Dated this 31st day of January 2022.

15 F. TRAVIS BUCHANAN, ESQ. &
16 ASSOCIATES, PLLC

17 */s/ F. Travis Buchanan*

18 F. Travis Buchanan, Esq.
19 Nevada Bar 9371
20 701 E. Bridger Ave.
21 Las Vegas, NV 89101
22 *Attorneys for Plaintiff Latonia Lister*

23 **ORDER**

24 IT IS SO ORDERED.

25 Dated this 1st day of February 2022.

26 
27 CAM FERENBACH
28 U.S. MAGISTRATE JUDGE